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Attorneys for Defendant
MATTHEW BELLANGER

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

| | | |
|--------------------------|------------|---------------------|
| UNITED STATES OF AMERICA |) | |
| | Plaintiff, |) |
| | | Crim. No. 22-49 JAO |
| | |) |
| v. | |) |
| | | MOTION AND |
| | | STIPULATION |
| MATTHEW BELANGER (01) |) | TO CONTINUE INITIAL |
| | Defendant. |) |
| | | APPEARANCE AND |
| | |) |
| | | ARRAIGNMENT |

**UNOPPOSED MOTION AND STIPULATION TO CONTINUE INITIAL
APPEARANCE AND ARRAIGNMENT**

Mr. MATTHEW BELANGER, pursuant to 18 U.S.C. § 3161(h),
respectfully moves this Court to continue the Initial Appearance and
Arraignment, currently set for June 30, 2022 until a date after July 18, 2022.

I. Procedural History

On June 8, 2022, a Complaint was filed against Mr. Belanger, charging him with False Statement in Purchase of a Firearm in violation of 18 U.S.C. § 922(a)(6), False Statements to Firearms Dealer in violation of 18 U.S.C. § 924(a)(1)(A), Aiding and Abetting in violation of 18 U.S.C. § 2, and Conspiracy in violation of 18 U.S.C. § 371. Compl., 1.

On the same day, this Court issued an arrest warrant against Mr. Belanger. Arrest Warrant, 1. Undersigned counsel filed a Motion for Pro Hac Vice and Motion to Review Detention Order, in *U.S. v. Matthew Belanger*, D. Haw. 1:22-mj-01003-KJM. ECF Nos. 6-7. Unfortunately, these were stricken and requested to be filed into the criminal case.

On June 16, 2022, the a federal grand jury in the District of Hawaii returned a three-count indictment against Mr. Belanger re-alleging the same counts as the complaint. ECF No. 6.

II. Factual Assertions

As of June 27, 2022 around 10:00 AM EST, Ms. Spearman received confirmation from Mr. Belanger that he was still state-side and had not yet arrived in Honolulu, Hawaii. Ms. Spearman further submits that she received notice of the forthcoming Initial Appearance and Arraignment six days prior to the scheduled hearing date and was previously scheduled to be with immunocompromised family for the Fourth of July holiday. She immediately reached out to AUSA Craig Nolan, the Government attorney in this matter, who does not oppose a continuance of the Initial Appearance and

Arraignment, and specifically indicated that he would be attending NAC in Columbia, South Carolina the week of July 18, 2022. The parties stipulate that conducting the hearing the week following July 18, 2022 would not cause significant delays.

III. Memorandum of Law

The Speedy Trial Act, 18 U.S.C. § 3161(h), excludes from the computation time in which a trial must commence “[a]ny period of delay resulting from a continuance ... at the request of the defendant ..., if the judge granted such continuance on the basis ... that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). A court, in its determination whether to grant a continuance and exclude any resulting period of delay from the Act’s computation of time, must consider, inter alia, whether its denial of the continuance will result in a “miscarriage of justice” (18 U.S.C. § 3161(h)(7)(B) (i)) or denying a party “the exercise of due diligence” (18 U.S.C. § 3161(h)(7)(B)(iv)).

IV. Opposing Party’s Position

The Government stipulates to this request.

V. Conclusion

Based on the foregoing reasons and authority, Mr. Belanger respectfully requests relief from this Court to continue the initial appearance and arraignment until the week after July 18, 2022 so to allow Mr. Belanger to

arrive in Hawaii through the extradition process, to allow undersigned counsel to be present in-person at the proceeding, and, ideally, in the interest of judicial efficiency to conduct the initial appearance and arraignment on the same day as the renewed detention hearing.

Mr. Belanger respectfully submits, pursuant to 18 U.S.C. § 3161(h)(7)(A), for the reasons stated above, that the ends of justice served by the court's granting this motion outweigh the interest of the public and him in a speedy trial. *See Bloate v. United States*, 559 U.S. 196 (2010).


DATED: June 28, 2022, at Atlanta, Georgia

By /s/ Katryna Lyn Spearman, Esq.
Katryna Lyn Spearman, Esq.

Approved and so Ordered:

/s/ Leighton K. Lee, Esq.
LEIGHTON K. LEE, Esq.




Kenneth J. Mansfield
United States Magistrate Judge

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on June 28, 2022, I filed the foregoing UNOPPOSED MOTION AND STIPULATION TO CONTINUE THE INITIAL APPEARANCE AND ARRAIGNMENT with the Clerk of Courts for the United States District Court for the District of Hawaii via the CM/ECF system, which will automatically serve a copy on all parties of record via electronic mail.

Date: Honolulu, Hawaii, June 28, 2022

/s/ Leighton K. Lee, Esq.
LEIGHTON K. LEE, Esq.
Attorney for Defendant